

**MINUTE BOOK XXVII PAGES 114-119  
JOINT MEETING OF THE TOWN OF TROUTMAN TOWN COUNCIL AND PLANNING AND  
ZONING BOARD  
OCTOBER 23, 2018**

A Joint Meeting of the Town of Troutman Town Council and Planning and Zoning Board was held in the Troutman Town Hall, 400 North Eastway Drive, North Carolina on Monday, October 23, 2018 at 6:00 p.m.

Council Members Present: Mayor Teross Young, Paul Henkel, James Troutman, Judy Jablonski,  
Sally Williams, Paul Bryant

Council Members Absent: None

Planning Board Members Present: Chairman Layton Getsinger, Randy Farmer, Kenneth Reid, George  
Harris, Karen VanVliet, Louis Weeks, Mark Taylor, Barry General-Alternate, Jim Freeman-  
Alternate

Planning Board Members Absent: None

Staff Present: Town Manager, Justin E. Longino; Town Clerk, Kimberly H. Davis; Planning Director,  
Erika G. Martin

Press Present: Debbie Page, SVL Free News  
Megan Suggs, Statesville Record & Landmark

(Sign-In Sheet attached)

**ITEM 1. CALL TO ORDER**

Mayor Teross W. Young, Jr. and Planning and Zoning Board Chairman Layton Getsinger Called to Order their perspective Boards

**ITEM 2: REVIEW OF PROPOSED COMPREHENSIVE UPDATES TO THE UNIFIED  
DEVELOPMENT ORDINANCE (UDO)**

*Districts: Rural Preservation (RP); Suburban Residential (RS); Town Residential (RT); Mixed Residential (RM); Manufactured Home Park (RMH); Office & Institutional (OI); Neighborhood Center (NC); Central Business (CB) Highway Business (HB); Light Industrial (IL); Heavy Industrial (IH); Conditional Zoning (CZ).*

*Use Table: Permitted (P); Permitted with Additional Standards (PS); Special Use Permit (SUP); Conditional Zoning District only (CZ)*

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The Unified Development Ordinance (UDO) Consultants, Craig Lewis with Stantec Consulting Firm (accompanied by Consultant Dylan McKnight) presented revisions made from the joint meeting of July 23<sup>rd</sup>. Mr. Lewis stated that a lot of changes have been made based on comments received. He briefly highlighted changes that have recently been made, and are not reflected in the September draft:

Section 2.3.6 Office and Institutional District, (pg. 8)

\*Changing language in the second sentence in the description: “and some higher density multi-family uses”, replacing it with “and some residential uses”.

Section 2.4 District Standards, (Pg.’s 10 & 11)

\*For clarity purposes, under Maximum Density 1. A -adding residential and changing “unit(s)” to “dwelling unit(s)”

**In continued review of the draft UDO, the following discussions were held and revisions made:**

## **Section 2**

Section 2.4 District Standards (pg. 10)

\*Add: CZ for Conditional Zoning to the RM district in column at the top of the chart for clarification purposes.

The percentage of open space in the CZ-RM district was discussed and left at 10% due to the district being conditional zoning and the percentage of open space can be negotiated. Mr. Lewis commented that the suggested 30% in that particular district is very high.

Discussion was held due to a suggestion that a minimum lot size be required in the RM district. Mr. Lewis stated the average minimum lot size is 8,000’ and has been dropping for the last 25 years. He suggested regulating the most important things, and stressed that the point is, to provide flexibility. An alternative suggestion was made to increase the interior setback for 0’ to 5’ and not regulate the width of the lots. Mr. Lewis commented that it is not necessary because the reason for having an RM district is to provide alternative housing.

\*Add: CZ for Conditional Zoning to the Industrial district in the column at the top of chart for clarification purposes.

Discussion was held whether to keep two separate districts (IL and IH) or combine the two districts. Mr. Lewis stated that all the standards are the same the only thing different is the use table.

A suggestion was made to change the buffer requirement for industrial (IL and IH) from a minimum 50’ to 100’. Following a brief discussion, buffer requirement was left at 50’ due to heavy industrial districts being requested to be regulated under conditional. Mr. Lewis recommended that if both districts become conditional, there is no reason to have two separate districts. Ms. Martin commented that what she liked about two separate districts is the economic benefit of splitting them and having light industrial by right. This allows the Town to have something site ready without hoops to go through, therefore, the Town would have a better chance of attracting a particular industry. Mr. Lewis commented that it does not matter whether the buffer is 50’ or 100’ if there is a heavy loading dock operation, you cannot be protected from the noise by vegetation alone; other measures would have to be taken to manage the sound. Mayor Young asked Planning Director Martin if she believes that the current UDO has enough buffer standards to leave the buffer at 50’ for light industrial. Ms. Martin replied yes, that she relies on the permitted use tables and for most of the permitted uses in light industrial 50’ would be adequate. For the other few uses, there could be additional standards or SUP that would increase it for those few uses. Mayor Young asked if there are any requirements for within the 50’ buffer. Ms. Martin confirmed that there are stating that the current standard is 75% evergreen. Council member Henkel asked if Ms. Martin would have the authority to use discretion in regards to buffering. Mr. Lewis responded that she will not be able to use that level of discretion; the courts have said, and legislature has reiterated, that it is either a “yes” or a “no”. He stated

that if an element of discretion is used, it has to go through a Board to make those changes. Ms. Martin asked if there is anything in the new ordinance that would allow the Council to consider protection from the noise factor. Planning and Zoning Board member George Harris advised that Section 5.1.6.3 gives the Zoning Administrator authority to require additional standards to the minimum required buffers in the need to prevent a high degree of visual, audio, or physical disorders. The buffer requirement was left at 50’.

### **Section 3**

#### Section 3.3 Permitted and Special Uses (pg. 18 & 21)

\*Add: CZ for Conditional Zoning to the RM district in the column at the top of chart for clarification purposes.

\*Add: CZ for Conditional Zoning to the IH district in the column at the top of chart for clarification purposes.

\*Revise use table to allow duplexes as a permitted use in the CZ-RM district.

Planning Board member Randy Farmer pointed out that since the RM district and IH district is going to be conditional zoning, a Special Use Permit (SUP) is not necessary; and Schools, under Civic and Recreational uses has the wrong section referenced in the “see also” column.

\*Remove: SUP from the CZ-RM district column and IH district column in the use table.

\*Revise use table: changing the section referenced in the “see also” column for schools from 3.4.31 to 3.4.32.

In efforts of saving time, Ms. Martin commented that any typos can be sent to her to be scanned and forward to Mr. Lewis for revision.

Discussion was held in regards to Council member Bryant’s reference to an inconsistency in the use chart and the definition of hotels and motels on pg. 28, 3.4.20 that states that motels are only permitted in the HB district; the use table shows hotel/motels are permitted with an SUP in three other districts.

\*Revise use table Hotels/Motels (20 or more rooms) changing SUP in the OI and CB district to PS.

#### Section 3.4.33 Short Term Rental (pg. 34)

In review of the standards for Short Term Rental, A thru G, Ms. Martin recommended for simplicity sake to keep only A & G, removing B thru F due to the standards of enforcement and administration, and the lack of staff to oversee the administration and enforcement. Council member Henkel expressed that he would like to see a business license or some type of documentation. Ms. Martin stated that A & G would require a zoning permit; the town does not require business licenses for any use. Mayor Young commented that at some point that short term rentals become a problem; the language within B-F can be added back into the UDO as needed. Discussion was held whether to allow outside home rentals (accessory dwellings), and if so, minimum standards and enforcement would be needed. Ms. Martin stated that the town’s code only allows one (1) accessory dwelling, and that having 5 or more units is considered a motel per state statutes. Mayor Young commented that he thinks that the town just needs to keep an eye on it and that the language in A & G is a good start from not having anything to regulate short term rentals.

\*Keep: A & G; and Remove: B thru F.

#### Section 3.4.26 Outdoor Sales (pg. 32)

Council member Jablonski voiced an aesthetic issue/concern regarding a business displaying items for sale outdoors. Mr. Lewis advised that the new UDO requirement restricts items from expending beyond the sidewalk or concrete apron entrance of the building. He suggested adding a standard that items are to be taken inside at night, or some similar language. If it is spilling beyond the concrete apron, he advised that the situation should be turned over to code enforcement.

#### **Section 4**

##### **Section 4.4.2 (B)**

Council member Jablonski asked why garage doors to individual units are prohibited from the fronting street, and commented she would like to see the standard removed. She spoke of the recently approved townhomes that have front load garages, expressing concern that in future phases of the project, the developer will want the same. Mr. Lewis stated that it is a negative implication to density with concrete driveways and cars parking in the driveways. Ms. Jablonski stated that some of the alleys in relation to townhomes are so limited to vehicle movement. Mr. Lewis explained that with this entire Chapter 4 can go before the Design Review Board (4.1.3) for a discretionary review for exceptions.

Council member Jablonski inquired how “right-of-way” is defined or measured. Mr. Lewis stated that power poles are generally at the back of the right-of-way line. Planning Board member Mark Taylor, formally a NCDOT employee noted that the NCDOT does not actually own the right-of-way on most of the state streets.

\*Add: Language to allow the setback to be measured from the back of pavement where right-of way does not exist.

#### **Section 5**

##### **Section 5.3.2 General Parking Provisions, (pg. 88-89)**

Discussion was held regarding the general parking provisions addressing what seem like commercial standards and not residential. Ms. Martin commented that maybe there should be a provision for single family residential (SFR). Mr. Lewis responded that letter (I) would be in reference to SFR also. The provisions are written as universal multi-family standards. Mr. Lewis asked if there is something special for 1 to 2 family residential that is wanted, he would include it. Town Council member Bryant stated that the question is, in residential districts does the Town want to require hard surface driveways, or is the Town willing to accept alternative surfaces such as gravel. Several Council members preferred paved surfaces, but not necessarily require them in every district. Concrete pads from the road to the ditch line was also suggested as an option. Planning Board member Taylor suggested, for concrete pads impervious surface to the right-of-way line requires a hard surface/apron that is to be maintained by the homeowner. Council member Henkel proposed that going forward/once the ordinance is passed all districts with the exception of Rural Preservation (RP) hard surface drives are required, and everyone that has built under the current UDO is grandfathered in. Following continued discussion the revisions as listed below will be made:

\*Add: Minor subdivisions and RP lots – driveway apron required; and for  
Major subdivisions – fully paved drives required.

##### **Section 5.34 (A), Parking Quantity Standards, (pg. 92)**

Planning Board member Farmer expressed concern regarding the maximum number of parking spaces allowed for restaurants. Mr. Lewis stated that language was supposed to be included, which he does not see, that would permit exceeding the maximum amount but it would be required to be pervious areas (i.e. permeable pavers, grass, etc.). He explained that the reason for a maximum parking standard is so businesses do not over pave their lots due to storm water issues. Mr. Lewis stated that he will add the missing language. Discussion was held regarding storm water retention and detention and

whether the Town currently has storm water issues. Mayor Young asked if the town does not currently have an issue with flow, is it better to keep the maximum requirement in order to deal with future issues, or is it something that can be added back in another couple of years or so. Mr. Lewis explained possible issues that could occur in not setting a maximum such as storm water, over building the site, and other environmental impacts one of which is urban heat islands. He stated that if right now managing excessive parking and if everyone is comfortable with the fact that the minimum parking requirement has been dropped; then he can remove the whole maximum parking column. Council and Planning Board were in agreement of the following action.

\*Remove: "Auto Parking Maximum" column from the Off Street Parking table.

### **5 minute break...**

#### **Section 6**

Section 6.5 Prohibited Signs, (pg. 107)

\*Add: "Tree signs" to the list of prohibited signs.

Section 6.4.3 Campaign Signs, (pg. 105)

\*Replace: Entire section with language as written in the current UDO.

Section 6.4.4 Real Estate Signs, (pg. 105)

Following a brief discussion regarding the allowing off-site real estate signs and time limits; no changes were made.

#### **Section 7**

Section 7.4.4(D) Bicycle Parking (pg. 115)

\*Remove language: "one quarter acre of" from the first sentence.

Section 7.7.2 Traffic Impact Analysis (pg. 119) Matrix

Planning Board member Farmer expressed concern as to when a Traffic Impact Analysis (TIA) should be required. Planning Board member Mark Taylor suggested cutting the TIA requirements in the matrix in-half to mimic Mooresville's requirements.

\*Mr. Lewis to review Town of Mooresville's TIA requirement.

#### **Section 9**

Section 9.2.2 Development and Review Process, (pg. 174) Matrix

Planning Board member Farmer questioned why the "process type" for Major Preliminary Subdivisions was changed from administrative to quasi-judicial. Mr. Lewis explained that new legislature requires Town Council to choose the process of administrative or a quasi-nature. Right now Town Council looks at all subdivisions. If changed to administrative, all subdivision will go through the planning department, and Council will no longer be able to officially comment on any more subdivisions. He explained that with quasi-judicial, Council will have to go through the finding-of-facts, and no discretion is involved. Planning Director Martin commented that with the plans being public record, Council can see them, but they cannot comment on them or be part of the approval process. Mayor Young summarized that basically if Ms. Martin approves a subdivision in following the UDO, then Council has approved it from the standpoint of Council's approval of the UDO.

\*Change: In the Matrix, in the Process Type column, change from “Quasi-Judicial” to “Administrative” for Major Preliminary Subdivision. Mayor Young requested that a note be provided pertaining to communication process by Ms. Martin to both Council and Planning and Zoning Board in regards to major preliminary subdivisions.

Section 9.2.2 Development and Review Process, (pg. 175) Matrix

\*Change: In the Matrix (1<sup>st</sup> line), Improvement Plan - Process Type from “Town Manager” to “Administrator”.

Town Manager Longino commented that he was not previously aware that improvement plans were being approved by the Administrator when they should have been approved by him.

Section 9.6.3 Variances (B)(2)(c)(i) Public Hearing Notification (pg. 187)

Planning and Zoning Board member Farmer requested that Board of Adjustment Public Hearing notifications go to all property owners within five hundred (500) feet and not just adjacent property owners.

\*Remove: “Adjacent” from the first sentence.

Section 9.8.8 Town Council Action (A)(1) Citizen Comments, (pg. 195)

\*Add: “or Extra-territorial Jurisdiction (ETJ)” to the second sentence following “town”.

Section 9.8.9 Purposes in View, (pg. 196)

Planning and Zoning Board member Farmer stated the 1<sup>st</sup> two paragraphs need to be rewritten to the new standards; as is, the comprehensive plan will have to be amended to be consistent with the adopted zoning plan.

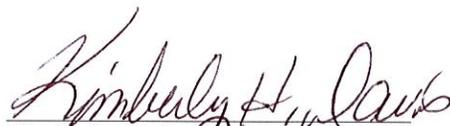
\*Revise: 1<sup>st</sup> two paragraphs to be consistent with newly adopted laws.

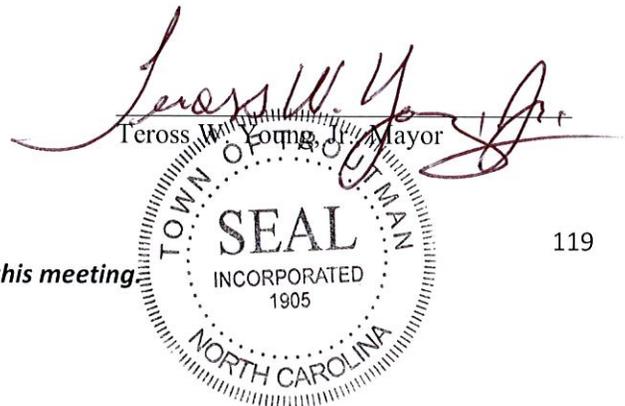
Next step: Town Council and the Planning and Zoning Board were in agreement that Mr. Lewis make the changes as stated in these minutes and forward the revised draft to the Planning and Zoning Board for their consideration of a recommendation at their November meeting.

(Copied in full, public comments from 7-23-18 and email regarding short term rentals is filed on CD titled: “Town Council Supporting Documents” dated October 23<sup>rd</sup>, 2018 in CD Book #1 titled: “Town Council Supporting Documents”)

### ITEM 3: ADJOURNMENT

Upon motion by Council member Henkel, seconded by Council member Troutman, and unanimously carried, Joint Meeting of October 23, 2018 was adjourned at 9:16 p.m.

  
Kimberly H. Davis, Town Clerk



**(\*Corrections/changes to be made resulting from this meeting)**